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DIRECTOR OFFICE  
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In re Application of  
Paul F. Struhsaker  
Application No. 09/839,727  
Filed: April 20, 2001

**SUA SPONTE DECISION TO  
WITHDRAW FROM ISSUE**

**For: APPARATUS FOR REALLOCATING  
COMMUNICATION RESOURCES TO ESTABLISH  
A PRIORITY CALL IN A FIXED WIRELESS  
ACCESS COMMUNICATION SYSTEM**

This is a Sua Sponte decision to withdraw the above-identified application from issue pursuant to the provisions of 37 CFR 1.313(a).

A review of the application file reveals that a Notice of Allowance and a Notice of Allowability were mailed for the above-identified application on December 2, 2004. However, the review also reveals a crossing in the mail with respect to an Applicant request for continued examination (i.e., RCE), filed November 26, 2004.

MPEP § 1.313 Withdrawal from issue, states in part:

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary. A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee. If the Office withdraws the application from issue, the Office will issue a new notice of allowance if the Office again allows the application. [emphasis added]

Accordingly, given that the request for continued examination (RCE) was filed prior to the Notice of Allowance and Issue fee Due communication and prior to the payment of the Issue fee, the application file is WITHDRAWN FROM ISSUE.

The application will be forwarded to Technology Center's technical support staff for processing Applicant's request for continued examination (RCE). From there, the application will be forwarded to the examiner for further action as appropriate.

Reinhard Eisenzopf, Director (Acting)  
Technology Center 2600  
Communications